

# **EXHIBIT F**

1                   HOUSE OF REPRESENTATIVES  
2           DAY 39 OF LEGISLATIVE SESSIONS  
3                   MARCH 29, 2019

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9                   TRANSCRIPT OF HEARINGS

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24       Reported from electronic media by

25           Judy K. McNeill, CCR B-1611

1           CHAIRPERSON RALSTON:   The Chair  
2   recognizes Chairman Setzler for a motion.

3           CHAIRMAN SETZLER:   Mr. Speaker, I'd  
4   like to make a motion to agree to the  
5   Senate Substitute to House Bill 481.

6           CHAIRPERSON RALSTON:   Chairman  
7   Setzler has moved that this House agree to  
8   the Senate Substitute to House Bill 481.

9           The Clerk will read the caption.

10          THE CLERK:   House Bill 481 by  
11   Representative Setzler of the 35th, Lott of  
12   the 122nd, Taylor of the 173rd and others  
13   to be entitled an Act to amend Chapter 2 of  
14   Title 1 of the Official Code of Georgia  
15   Annotated relating to persons and their  
16   rights; to amend Article 5 of Chapter 12,  
17   Title 16 of the Official Code of Georgia  
18   relating to abortion.

19          CHAIRPERSON RALSTON:   The Chair  
20   recognize Chairman Setzler to explain the  
21   Senate Substitute to House Bill 481.

22          CHAIRMAN SETZLER:   Thank you, Mr.  
23   Speaker.

24          Ladies and gentlemen of the House, I  
25   bring before you today the Senate

1     Substitute to House Bill 481. This was a  
2     measure we debated at some length in the  
3     House and as a result of the -- many of the  
4     questions that were asked here, both of  
5     House members, of the Governor and others,  
6     we addressed in Senate Committee a  
7     substitute that addressed many of those  
8     concerns and questions and makes House Bill  
9     481 an even better bill than what we passed  
10    out of the House the first time.

11           We're working off LC version 28  
12    9335S. That's the actual version that the  
13    Senate passed. And what that does it --  
14    again, there were some questions about  
15    providing an extra level of protection, a  
16    belt and suspenders if you will, to ensure  
17    that accidental deaths from a series of  
18    medical procedures from doctors, nurses,  
19    physician assistants and pharmacists could  
20    in no way be conceived -- be construed to  
21    criminalize the activity of this bill.

22           We provided that affirmative defense.  
23    We did the same thing for women seeking  
24    emergency abortions.

25           Again, those protections aren't

1 needed specifically by law. But, again, an  
2 affirmative defense is yet another layer of  
3 protection to make sure there can be no  
4 misconstruing of any criminal  
5 responsibility for those circumstances.

6 We provided a lot of definitions.  
7 Again, we fleshed out in detail definitions  
8 including abortion, detectable human  
9 heartbeat, medically futile, medical  
10 emergency.

11 Many of these things existed in law,  
12 but to put them in the code section so  
13 they're abundantly clear in the operative  
14 code section we added those definitions in.

15 There was a question about law  
16 enforcement. We limited the access to  
17 records to district attorneys as is in  
18 existing law and clarified that it's -- the  
19 records wouldn't just be limited to  
20 facility records but records that were  
21 appropriate.

22 In no way could this ever violate  
23 HIPAA. I'm sure there will be some  
24 questions about that. But we have no  
25 ability under our law to do anything that

1 would violate HIPAA privacy protections.  
2 This simply allows access to records that  
3 are relative to the abortion and the  
4 appropriate -- for DA's to have access to.

5 One thing this bill does -- and I  
6 would tell you substantively -- listening  
7 to members from both bodies speak on this  
8 question, I am proud to say that the  
9 questions were raised about what are we  
10 doing for mothers that are in these  
11 difficult circumstances.

12 One thing the Senate substitute does  
13 -- and I'm very proud and I think this body  
14 can be very proud of is that women who find  
15 themselves pregnant can now, under this  
16 bill, have access to child support from the  
17 father.

18 I say again, we recognize that  
19 oftentimes women, as they go through  
20 pregnancy, incur costs. In some cases if  
21 they have a difficult pregnancy, there may  
22 be time out of work, bed rest or other  
23 direct medical expenses and we allow that a  
24 woman can pursue child support from the  
25 father for doing that. We recognize that

1 it's common today that with simple blood  
2 tests, we can establish paternity as early  
3 as eight to 10 weeks. And if a woman  
4 should choose to pursue child support from  
5 the father, it makes sure that we're  
6 providing that in this bill. Something I  
7 think we can be very, very proud of as a  
8 General Assembly.

9 We're also very clear in this  
10 proposition that human heartbeat is the  
11 threshold by which any of these benefits  
12 would apply. And I want to just say there  
13 was some questions about that earlier on so  
14 we were abundantly clear that all the  
15 benefits and any of the restrictions that  
16 are applicable here apply at the point of a  
17 detectable human heartbeat.

18 We simplified the Legislative  
19 findings. Many members in this body in the  
20 House Health Committee had questions about  
21 the legislative findings we had. So taking  
22 the feedback from members of both parties  
23 in committee, we simplified those. What  
24 was formerly three pages of legislative  
25 findings was simplified to clarify the

1 status of the child in the womb being a  
2 person and the constitutional provisions  
3 that establish that.

4 But we simplified that and really  
5 addressed many of the concerns we got from  
6 both parties in committee. We have  
7 legislative findings that are solid and  
8 candidly more simple.

9 And then lastly, Mr. Speaker,  
10 clarified as well that pregnancies -- an  
11 ectopic pregnancy or a miscarried pregnancy  
12 where a child died of natural causes, the  
13 removing an ectopic pregnancy or child that  
14 died of natural causes could never be  
15 construed as being an abortion.

16 So those are clean-up measures. And,  
17 again, Mr. Speaker, I think they -- that  
18 they reflect the common sense sentiment of  
19 Georgians.

20 And, ladies and gentlemen, as I  
21 present to you this Senate Substitute House  
22 Bill 481, I would like to once again just  
23 say our intention, Mr. Speaker, is to  
24 balance the interests of the mother and the  
25 child.



1           There's been lots of feedback in this  
2   discussion about women's concerns and we've  
3   listened to those. And this bill though  
4   recognizes the fundamental life of a child  
5   in the womb is worthy of full legal  
6   protection and balances that basic right to  
7   life with the very difficult situation  
8   women find themselves in in pregnancies and  
9   I think this bill is something we can be  
10   very proud of, that balances those two  
11   interests as well as this General Assembly  
12   possibly can.

13           With that, Mr. Speaker, I'll be glad  
14   to take questions.

15           CHAIRPERSON RALSTON: The Chair  
16   recognizes Representative Erica Thomas to  
17   your left for a question.

18           REPRESENTATIVE THOMAS: Does the  
19   gentleman yield?

20           CHAIRMAN SETZLER: Yes, ma'am.

21           REPRESENTATIVE THOMAS: Is it not  
22   true that a vote of yes to this bill will  
23   put the burden on the State of Georgia to  
24   determine paternity of a fetus while the  
25   fetus is still in the woman's uterus?

1           CHAIRMAN SETZLER: No, that's not  
2 true. The burden is not on the State of  
3 Georgia. In fact, as I alluded to earlier,  
4 current medical technology that's common  
5 allows a blood test to be taken.

6           We know that a child as early as  
7 eight to 10 weeks through the DNA that mix  
8 -- the child's DNA that mixes in with the  
9 mother's blood can allow paternity to be  
10 established at eight to 10 weeks gestation  
11 age today.

12           So if a woman should choose to have  
13 to establish paternity, in many cases you  
14 may know paternity is not an issue.  
15 There's not a dispute about who the father  
16 is. But only in those cases where it was  
17 in dispute and the woman wanted to  
18 establish that for purposes of pursuing  
19 child support, those mechanisms happen with  
20 a relatively simple medical test and that  
21 puts no duty on the State of Georgia to do  
22 that.

23           REPRESENTATIVE THOMAS: Does the  
24 gentleman further yield?

25           CHAIRMAN SETZLER: Sure.

1           REPRESENTATIVE THOMAS: So just to  
2 clarify, you're saying that the woman would  
3 have to pay for the paternity test and not  
4 the State of Georgia.

5           CHAIRMAN SETZLER: If -- if a  
6 paternity was in dispute, the -- and the  
7 woman wanted to pursue a child support  
8 payment for direct medical expenses  
9 associated with her pregnancy from the  
10 father, then she could pursue that through  
11 the typical means where paternity is  
12 established.

13           There is no duty on the State of  
14 Georgia that has to be established in any  
15 number of circumstances, but that would  
16 certainly be a mother's right to do that.

17           CHAIRPERSON RALSTON: The Chair  
18 recognizes the minority leader, Leader  
19 Trammel, to your left for a question.

20           MINORITY LEADER TRAMMEL: Does the  
21 gentleman yield?

22           CHAIRMAN SETZLER: Yes, sir, I do.

23           MINORITY LEADER TRAMMEL: Isn't it  
24 true that passage of this bill will subject  
25 women who have a miscarriage to the

1 possibility of being investigated by law  
2 enforcement, having their health records  
3 exposed to the district attorney and law  
4 enforcement officials in what would be one  
5 of the most difficult private devastating  
6 times that a woman could ever face?

7 CHAIRMAN SETZLER: Well, to the  
8 gentleman's question -- let me recognize  
9 the sensitivity of those situations. I  
10 don't want to be too glib in my answer.

11 I will direct members to look in the  
12 bill. The bill does not do those things.  
13 I would say in the spirit of your question,  
14 this is a very difficult set of  
15 circumstances and for that reason,  
16 legislators, attorneys from our Governor's  
17 office have worked to make sure that all  
18 these circumstances are addressed because  
19 of the nature of these kinds of concerns.

20 I mean, I can direct members to the  
21 substitute to the point you asked about a  
22 miscarriage. If a woman has a miscarriage,  
23 removing a miscarried pregnancy, a child  
24 that's died in the womb is written in the  
25 definition out of the definition of

1     abortion. And I can point members to the  
2     place in the bill where that's addressed.

3             Line 93 of the bill is very clear.

4     In fact, it's not even necessary to  
5     determine that because current law  
6     establishes it. But out of an abundance of  
7     caution in the Senate Substitute, 93 --  
8     line 93 says: Removing a dead unborn child  
9     caused by spontaneous abortion is not  
10    included in the definition of an abortion.

11            We were very careful to make sure we  
12    included that. So there would be zero  
13    criminal responsibility for that.

14            So appreciate the sensitivity of the  
15    gentleman of the circumstances. There is  
16    no criminal responsibility that's expanded  
17    here for anything related to a miscarriage.

18            CHAIRPERSON RALSTON: The Chair  
19    recognizes Chairman Beverly to your left  
20    for a question.

21            CHAIRMAN BEVERLY: Does the gentleman  
22    yield?

23            CHAIRMAN SETZLER: I do.

24            CHAIRMAN BEVERLY: If I could draw  
25    your attention to line 256 to 259.

1           CHAIRMAN SETZLER: Yes, sir.

2           CHAIRMAN BEVERLY: Thank you. Is it  
3 not true that under this -- a vote for yes  
4 for 481 will subject a physician to a civil  
5 action of wrongful death or the criminal  
6 act of homicide in the first or second  
7 degree? It does not establish who has  
8 standing to bring about that action and the  
9 only way to determine who the punitive  
10 father is is to test the DNA of a fetus and  
11 this bill does not address that.

12           And in so doing, the Medical  
13 Association of Georgia, the Georgia Academy  
14 of Family Physicians, the American College  
15 of Obstetricians and Gynecologists have all  
16 opposed House Bill 481.

17           CHAIRMAN SETZLER: I think I heard --  
18 to the Chairman, my friend, I think I heard  
19 three questions in there. I'll try to  
20 address them in order.

21           The way this bill operates does  
22 nothing to expand the criminal  
23 responsibility of physicians.

24           Currently under current law, Code  
25 Section 16-12-140, if a doctor performs an

1     abortion outside of the provisions laid out  
2     under law, they are subject to prosecution  
3     under criminal abortion.

4             This changes nothing in that. It  
5     changes nothing there. The suggestion that  
6     something more severe like murder doesn't  
7     exist. It's -- again, we can have sort of  
8     a judiciary committee discussion.

9             Under the principles of lenity  
10    because of the way abortion is defined,  
11    anything outside of that definition would  
12    be prosecuted as a criminal abortion and  
13    that doesn't change our law in any way by  
14    virtue of the way this bill operates.

15            So if that's been alleged to you,  
16    they've given you bad facts.

17            CHAIRMAN BEVERLY: Does the gentleman  
18    further yield just as a follow-up?

19            CHAIRMAN SETZLER: Sure.

20            CHAIRMAN BEVERLY: For point of  
21    clarity. So in the event that there's an  
22    abortion and you're trying to establish who  
23    has standing to bring about this suit, if  
24    there's a question of who the father is,  
25    who the punitive father is, that this bill

1 does not address that, you would have to go  
2 about doing a DNA test on a fetus to  
3 determine who the punitive father is to  
4 establish who has the right to bring about  
5 this suit in the code section. And this  
6 bill does not do that.

7 CHAIRMAN SETZLER: No, sir. It's --  
8 let me direct -- let me find the line in  
9 the bill that talks about the civil action.

10 Let me tell the members, too -- and  
11 many of you don't live in the world of  
12 civil practice. If there's any violation  
13 of the law that's committed against a  
14 person, they have standing -- it's called a  
15 tort. If there's a duty that's violated,  
16 there's a tort and they have access to a  
17 civil action.

18 Under our existing law, women upon  
19 whom an abortion is performed in violation  
20 of the law have a civil action against the  
21 physician. The challenge is as they look  
22 at -- there have been courts that  
23 construed, well, is it a regulatory  
24 interest that the law be followed or is the  
25 woman's individual interest.



1           Most courts are going to recognize  
2   the woman has a direct interest. This bill  
3   simply clarifies that if an abortion is  
4   performed on a woman in violation of the  
5   law, that she has standing to bring a civil  
6   action. It doesn't change the existing law  
7   but clarifies so there is no dispute that  
8   she has standing that if a law is broken in  
9   performance of an abortion on her.

10           CHAIRMAN BEVERLY: And just for point  
11   -- just one question if you'd just indulge  
12   just one other time.

13           When you establish the fact that the  
14   father has rights now within the space, the  
15   father does have -- the potential -- the  
16   potential father has the ability to have  
17   standing to bring about this -- to bring  
18   about wrongful death.

19           And so in that case, how do you  
20   determine who the father is when the fetus  
21   has been aborted? And this bill does not  
22   address that.

23           CHAIRMAN SETZLER: Well, what this  
24   bill does address is it addresses the fact  
25   that a mother clearly has standing. And,

1     again, I don't want to follow down rabbit  
2     trails that don't apply. But I appreciate  
3     the gentleman's question and I think we've  
4     been very clear that the woman does have  
5     standing and no one can dispute that. I  
6     think that's appropriate.

7             CHAIRPERSON RALSTON: The Chair  
8     recognizes Representative Kendrick to your  
9     left for a question.

10            REPRESENTATIVE KENDRICK: Thank you,  
11     Mr. Speaker.

12            Does the gentleman yield?

13            CHAIRMAN SETZLER: Yes, ma'am.

14            REPRESENTATIVE KENDRICK: Is it not  
15     true that the reason we're bringing this  
16     bill before the floor today is because this  
17     is an attempt to overturn existing law, Roe  
18     v Wade, which makes abortion illegal by  
19     bringing this issue before the United  
20     States Supreme Court?

21            CHAIRMAN SETZLER: To the lady's  
22     question about Roe versus Wade, I think  
23     this bill is written for a number of  
24     reasons. And our first interest is we've  
25     got living distinct human beings in the

1 state that are living inside their mothers  
2 that are being lost every day.

3 I mean -- and I'm going to answer  
4 your question, but I do want to say this as  
5 sort of an antecedent to the answer.

6 We recognize the basic rights -- the  
7 basic humanity that these children are  
8 being robbed every -- 27,000 times every  
9 year in Georgia. We, as the General  
10 Assembly, are voting to recognize does that  
11 child's rights -- should they be recognized  
12 or should they not be recognized.

13 We recognize that for the history of  
14 our country, states can expand rights more  
15 expansively than the minimum standard that  
16 the federal government requires. So we're  
17 more expansively recognizing rights of  
18 children in the womb.

19 For example, during -- before the  
20 passage of the 19th Amendment, many states  
21 recognized women's right to vote before it  
22 was required of all states. We're more  
23 expansively recognizing the right of a  
24 child in ways the federal government  
25 doesn't mandate that we do.

1           But we, as a state, again, per our  
2   constitution with a paramount duty of  
3   government is the protection of life, we're  
4   doing that here.

5           And in doing that, to your question  
6   about Roe versus Wade, we were actually  
7   following the Roe versus Wade opinion. In  
8   fact, in the oral arguments of the Roe v  
9   Wade opinion, in written -- in the written  
10   opinion itself, it says if a state ever  
11   establishes the personhood of the unborn  
12   child, the logic of the Roe case collapses.

13           In fact, the pro-abortion plaintiff's  
14   counsel recognized that in oral argument.  
15   It's written in the opinion. So we're  
16   following the Roe v Wade case that says if  
17   the state ever establishes the personhood  
18   of the child, the pro-abortion protections  
19   that overwrite the child's right to life  
20   collapse.

21           We, as a state, are doing that. It's  
22   the constitutionally appropriate way the  
23   Roe opinion gives us and that is precisely  
24   why we're doing it the right way because we  
25   recognize the right of a child should be

1 more expansively recognized in the State of  
2 Georgia.

3 REPRESENTATIVE KENDRICK: Does the  
4 gentleman further yield?

5 CHAIRMAN SETZLER: Yes, ma'am.

6 REPRESENTATIVE KENDRICK: Is it not  
7 true that on March 7th on crossover day  
8 immediately upon adjournment, that Governor  
9 Kemp in a press conference stated that if  
10 HB 481, this bill passed, that he expected  
11 that the bill would, in fact, be litigated  
12 in court?

13 CHAIRMAN SETZLER: I think there are  
14 many cases that are litigated. I think  
15 there will be -- I predict that if we  
16 should pass this bill and it be signed into  
17 law by the Governor, I predict somebody  
18 will sue. I think everybody here  
19 recognizes someone will sue over this. The  
20 question is have we operated in the  
21 constitutionally sound way where we as a  
22 state can recognize the life interest of  
23 these helpless children.

24 We've taken great lengths to follow  
25 the way the Roe opinion lays out that the

1 state can recognize the life of the child  
2 in a way that changes the status and allows  
3 states to do this. So I don't doubt  
4 someone will litigate this, but I think we  
5 can be proud we're doing this in a way that  
6 puts us on the most sound possible  
7 constitutional footing for our laws to be  
8 upheld.

9 CHAIRPERSON RALSTON: The Chair  
10 recognizes Representative Alexander to your  
11 left for a question.

12 REPRESENTATIVE ALEXANDER: Thank you,  
13 Mr. Speaker.

14 Does the gentleman yield?

15 CHAIRMAN SETZLER: Yes, ma'am.

16 REPRESENTATIVE ALEXANDER: Is it not  
17 true that a vote of yes for this bill could  
18 result in constituents being interrogated  
19 by law enforcement to determine if a woman  
20 had a medical emergency to allow for  
21 abortion to be performed?

22 CHAIRMAN SETZLER: Representative  
23 Alexander, I appreciate the question.

24 This really hasn't changed since the  
25 House version, but I will address it in the

1       substitute.

2               On line 119 and 120 of the bill, it  
3       gives the sole discretion to the physician  
4       to make the determination if a medical  
5       emergency exists. In fact, even though  
6       it's written in current law, we  
7       re-established the definition of medical  
8       emergency from line 97 to 103 of the bill  
9       so it's crystal clear what a medical  
10      emergency can be.

11              But it is the sole discretion of  
12      physicians in making that determination in  
13      Georgia. As we alluded to in Senate  
14      debate, this General Assembly has always  
15      given broad discretion to physicians to  
16      make determinations. In fact, many people  
17      who would be on the -- considered the  
18      pro-life side would say we've given too  
19      much discretion to physicians. But this  
20      General Assembly has always given broad  
21      discretion to physicians to make these  
22      kinds of determinations.

23              So it is the sole discretion of a  
24      physician that these conditions exist  
25      because we want to recognize that if

1     there's a medical emergency that could  
2     cause the life or irreparable harm to a  
3     woman, that -- in weighing that out,  
4     sometimes abortion does the least harm is  
5     the appropriate response.

6             I would further say to the lady, we  
7     also provide, as I alluded to earlier, the  
8     affirmative defense that no woman can be  
9     exposed criminally as a result of medical  
10    emergency. So we provided extra protection  
11    for the woman in particular because we  
12    recognize the difficulty of the situations.

13            But, no, as a matter of fact, the  
14    physician has the sole discretion to  
15    establish medical emergency.

16            REPRESENTATIVE ALEXANDER: Does the  
17    gentleman further yield?

18            CHAIRMAN SETZLER: Yes, ma'am.

19            REPRESENTATIVE ALEXANDER: Is it not  
20    true that a vote for this bill could  
21    criminalize in vitro fertilization and hurt  
22    families who want to have a baby?

23            CHAIRMAN SETZLER: To your question,  
24    there's no way that can happen. In fact,  
25    if you look at the definition, the



1 definition is qualified by "in the womb".

2 In vitro fertilization -- I know there have  
3 been some states before that have looked at  
4 trying to create the personhood status for  
5 a child in an IVF clinic.

6 This bill does not do that. This is  
7 only for children that are in the womb and  
8 has nothing to do with IVF clinics. In  
9 fact, we specifically and carefully made  
10 sure that it could not have that effect in  
11 how we drew the bill.

12 CHAIRPERSON RALSTON: The Chair  
13 recognizes Representative Bentley to your  
14 left for a question.

15 REPRESENTATIVE BENTLEY: Thank you,  
16 Mr. Speaker.

17 Does the gentleman yield?

18 CHAIRMAN SETZLER: Yes, ma'am.

19 REPRESENTATIVE BENTLEY: Is it not  
20 true that I represent four very, very rural  
21 counties that do not have a OBGYN located  
22 in those counties?

23 CHAIRMAN SETZLER: If the lady so  
24 states.

25 REPRESENTATIVE BENTLEY: And is it

1 not further true that women in those  
2 counties that I represent that do not have  
3 an OBGYN located in their county would have  
4 to travel very far to discover if they are  
5 indeed pregnant and may not find that out  
6 to be after six weeks?

7 CHAIRMAN SETZLER: Well, to the  
8 lady's question, I mean, I think the -- I  
9 don't want to get into a class about  
10 women's cycles. But as we go there, you  
11 know, typically a woman is on a 28, 30 days  
12 cycle.

13 If, in fact, the restriction accrues  
14 at six to seven weeks when the heartbeat  
15 typically exists, you've got about a  
16 two-week period from when a woman would  
17 expect to have her cycle in which she would  
18 generally be able to pursue and have an  
19 abortion.

20 I think the issue -- the concern here  
21 as we've talked about, as we've tried to  
22 weigh this life interest of the child, you  
23 know, we recognize life begins at  
24 conception and is worthy of protection. In  
25 fact, our laws today protect a child from

1     feticide, not to the point of heartbeat but  
2     our laws -- our existing law in Georgia  
3     today, 16-5-80, provides up to life in  
4     prison for a person that attacks a woman  
5     and kills her child in utero beginning at  
6     conception. Not at heartbeat because we  
7     recognize, even beginning at conception  
8     under our existing law, the value of this  
9     child.

10           As we try to balance this, we looked  
11     at, hey, where do we strike the balance  
12     between protecting the life of this child  
13     and the interest of the mother that you  
14     raised. And I think as has been shown  
15     earlier, pregnancy tests women are able to  
16     take themselves have been rated as being  
17     very accurate. So it's not true that women  
18     don't have any ability to know whether or  
19     not they're pregnant before six weeks.

20           In certain circumstances, to have a  
21     third party medically verified pregnancy  
22     test taken based on how they schedule and  
23     those kinds of things, some of those things  
24     could exist. But it's not true that a  
25     woman can't know that she's pregnant. And

1 we are trying to weigh these things out in  
2 an appropriate way.

3 REPRESENTATIVE BENTLEY: Does the  
4 gentleman further yield?

5 CHAIRMAN SETZLER: Yes, ma'am.

6 REPRESENTATIVE BENTLEY: Well, maybe  
7 I need to rephrase it.

8 During the development of this  
9 legislation, was there any discussion about  
10 rural Georgia and these communities that do  
11 not have an OBGYN in them such as in my  
12 entire district, all four counties, there  
13 is no OBGYN in those communities.

14 So I guess my question is was there  
15 any discussion about the rural communities  
16 and the fact that we don't have those type  
17 of medical services for women to be able to  
18 officially find out that they are pregnant  
19 past six weeks?

20 CHAIRMAN SETZLER: Yes, ma'am. If I  
21 could direct you to line 172 to 173 of the  
22 bill. 172 and 173 of the bill provides  
23 this affirmative defense that if a woman  
24 sought an abortion she reasonably believed  
25 that was a result -- I'm sorry. Let me

1 read it very clearly.

2 A woman sought an abortion because  
3 she reasonably believed that an abortion  
4 was the only way to prevent a medical  
5 emergency, that affirmative defense -- one  
6 of the reasons that exists is because if a  
7 woman were in a place where she didn't have  
8 an immediate access to a doctor, she  
9 believed that a medical emergency was  
10 ongoing right then, we wanted to provide  
11 that defense.

12 If she felt the only way to save her  
13 life was to terminate the life of her  
14 child, she should have this as an  
15 affirmative defense from prosecution  
16 because we recognize every person doesn't  
17 have immediate access and we wanted to  
18 provide this extra belt and suspenders, if  
19 you will, to make sure she couldn't be  
20 prosecuted for that.

21 So that was really written directly  
22 because of rural Georgia.

23 REPRESENTATIVE BEVERLY: And my last  
24 question -- does the gentleman further  
25 yield?

1           CHAIRMAN SETZLER: Yes, ma'am.

2           REPRESENTATIVE BEVERLY: Is it not  
3 true that I was not here on the day of the  
4 debate on this legislation previously  
5 because I was at the hospital with my  
6 husband for the entire week; therefore, I  
7 wanted to be here today to really expound  
8 on the need for rural Georgia and the fact  
9 there's no OBGYNs in rural Georgia. Is  
10 that not true, sir?

11           CHAIRMAN SETZLER: That's true. And  
12 to the lady's question, you remember the  
13 debate perhaps yesterday on the budget. I  
14 was asking that Chairman England, you know,  
15 how many additional positions are we  
16 providing in our medical schools for  
17 physicians.

18           I believe the gentleman actually  
19 quoted a number of additional OBGYN slots  
20 we're providing in our schools and I'm  
21 proud of that. I think it's something we  
22 can all be proud of as a General Assembly.  
23 And those issues are related directly to  
24 that. I think it's something we recognize  
25 we want to address across the state.

1 REPRESENTATIVE BEVERLY: Thank you.

2 CHAIRMAN SETZLER: Thank you.

3 CHAIRPERSON RALSTON: The Chair  
4 recognizes Representative Vernon Jones to  
5 your left for a question.

6 REPRESENTATIVE JONES: Will my good  
7 friend from Cobb County yield, please?

8 CHAIRMAN SETZLER: Yes, sir. Sure  
9 will.

10 REPRESENTATIVE JONES: Isn't it true,  
11 Mr. Representative, that you and I do agree  
12 on a lot of the issues?

13 CHAIRMAN SETZLER: We do.

14 REPRESENTATIVE JONES: Is it not  
15 further true that you and I have never  
16 experienced what a cycle is personally.

17 CHAIRMAN SETZLER: Personally,  
18 correct.

19 REPRESENTATIVE JONES: Is it not  
20 further true that this really has become a  
21 political issue within your own party where  
22 some members don't want to vote for this  
23 and some members are just really torn on  
24 this piece of legislation. Is that not  
25 true?

1           CHAIRMAN SETZLER: I think it's -- I  
2    would characterize it differently. I think  
3    members broadly recognize the rightness of  
4    this. I think the difficulty has come from  
5    the vitriol of the other side of this  
6    question and that's -- I'm not talking to  
7    the members here. I'm talking about in the  
8    hallway and around the state, the ugliness  
9    that's come against people that are trying  
10   to represent and protect the rights of  
11   these helpless children, the ugliness of  
12   that is unsettling to members.

13           And I think I'm on the record of even  
14   having said that. I mean, as a citizen  
15   legislator, it's not every day people get  
16   in our face and shout things at us. It's  
17   not every day we get emails that are just  
18   as stark and as attacking as these are. I  
19   think that's the sense in which members,  
20   perhaps the majority party have felt sort  
21   of an unease about this.

22           But I think the policy of this is a  
23   solid policy that I think honestly could be  
24   -- should be a bipartisan issue. I know  
25   there are members of both parties in this



1 chamber that recognize this bill is right  
2 and worthy of support.

3 REPRESENTATIVE JONES: If I could  
4 bring the gentleman back home. Is it not  
5 true within your own party members in this  
6 body have -- some have a difficult time  
7 voting for this. Even some of them walked  
8 on the bill. Is that not true?

9 CHAIRMAN SETZLER: Well, again,  
10 Representative Jones, I'm not going to  
11 speculate on people's -- on politics,  
12 people's -- I want to focus on the four  
13 corners of a very serious bill.

14 I've indulged you to answer the  
15 question about the ugliness that's come at  
16 a number of our members that's been very  
17 unsettling and created a level of  
18 discomfort. But the substance of this bill  
19 is solid and I think it's something that  
20 people in both parties can be supportive of  
21 because we balance the interest of women in  
22 very difficult circumstances with the basic  
23 right to life of a child that our laws do  
24 not adequately protect.

25 And that's the four corners of this

1 bill and I would like to -- if it please  
2 the gentleman, I'd like to leave it there  
3 if we could.

4 REPRESENTATIVE JONES: Okay. Since  
5 the gentleman would like to leave it there,  
6 I just want to ask the gentleman one  
7 further question if the gentleman doesn't  
8 mind.

9 CHAIRMAN SETZLER: Yes, sir.

10 REPRESENTATIVE JONES: Is it not true  
11 that if your members -- or some of your  
12 members vote for this bill and in 2020,  
13 your party loses, there's going to be a new  
14 speaker of the house here -- maybe Vernon  
15 Jones -- and if there is a new speaker --  
16 don't underestimate -- and if there's a new  
17 speaker, many of your party will lose  
18 power. Many of you -- all of you would  
19 lose your chairmanships, staff be changed.  
20 It would be a complete overhaul.

21 Isn't that not true if you all lose  
22 based on this bill, that this body is going  
23 to change over?

24 CHAIRMAN SETZLER: I disagree with  
25 the gentleman's premise. I think Georgians

1 recognize the rightness of this. There is  
2 certainly dissent, but this is not a  
3 political issue. This is not -- we're not  
4 doing this for political reasons.

5 We're doing this because it's right.  
6 The co-sponsor of the bill, the people that  
7 support this bill said to me: Ed, there  
8 may be some blow-back from a quarter --  
9 some quarter of Georgians, some ugliness.  
10 But we're doing this because it's the right  
11 thing. And I and those that supported it  
12 before and will support it today are proud  
13 to stand on the substance.

14 CHAIRPERSON RALSTON: The Chair  
15 recognizes Representative LaRicca to your  
16 right for a question.

17 REPRESENTATIVE LARICCA: Thank you,  
18 Mr. Speaker. Does the gentleman yield?

19 CHAIRMAN SETZLER: Yes, sir.

20 REPRESENTATIVE LARICCA: Is it not  
21 true that in addition to what this bill  
22 does to help with some financial assistance  
23 for the expecting mothers, that last year  
24 we passed a measure through this body, the  
25 adoption bill, that would also help with

1 financial assistance to expecting mothers  
2 that were putting their children up for  
3 adoption from the adopting parents?

4 CHAIRMAN SETZLER: To the gentleman's  
5 question: This body -- I believe it was  
6 the 2017 session, we passed an historic  
7 adoption bill. And what the adoption bill  
8 did, for those of you who weren't here when  
9 we passed it, was to create conditions in  
10 which pregnant mothers who were going to be  
11 giving their kids up for adoption can  
12 receive more adequate compensation during  
13 their pregnancy to make it viable to carry  
14 the child to term and give it up for  
15 adoption.

16 REPRESENTATIVE LARICCA: Will the  
17 gentleman further yield?

18 CHAIRMAN SETZLER: Yes, sir.

19 REPRESENTATIVE LARICCA: Is it not  
20 true that the current governor has said  
21 many, many times, unlike what one of our  
22 colleagues just mentioned, that we put  
23 people and lives over politics and we'll  
24 take whatever comes after us to protect  
25 life?

1           CHAIRMAN SETZLER: I thank the  
2 gentleman for that.

3           CHAIRPERSON RALSTON: The Chair  
4 recognizes Representative Lott to your  
5 right for a question.

6           REPRESENTATIVE LOTT: Does the  
7 gentleman yield?

8           CHAIRMAN SETZLER: Yes, ma'am.

9           REPRESENTATIVE LOTT: Is it not true  
10 that I have recently been inundated with  
11 phone calls, texts and emails from my  
12 constituents in District 122, Columbia  
13 County, Georgia in full support of this  
14 legislation?

15          CHAIRMAN SETZLER: Yes, ma'am. I  
16 believe that's the case. I've experienced  
17 the same thing to the lady and I will tell  
18 you that folks from across the practice of  
19 medicine -- I've got letters from nurses,  
20 people with nursing degrees and master's in  
21 public health, obstetricians, doctors from  
22 all over the state that said, listen, the  
23 associations sort of put these letters out  
24 but we doctors and people in my entire  
25 practice all support this bill.

1           They recognize it's good policy and  
2   that's been the overwhelming sense that  
3   I've gotten from my constituents as well.

4           REPRESENTATIVE LOTT: Does the  
5   gentleman yield again?

6           CHAIRMAN SETZLER: Yes, ma'am.

7           REPRESENTATIVE LOTT: Is it not true  
8   that just this week, I had an opportunity  
9   to speak for the first time with a  
10   constituent that was in opposition to this  
11   legislation and in our conversation, she  
12   was not aware that this bill had any  
13   exceptions by her reading in the media or  
14   the newspapers.

15           And in our conversation -- again, and  
16   I would ask for your -- you to clarify and  
17   make certain that I was correct that this  
18   bill bans abortions of convenience, but  
19   does allow for abortions in the case of the  
20   mother's life, the child being medically  
21   futile and in the cases of rape and incest.  
22   Is that correct, sir?

23           CHAIRMAN SETZLER: That's correct.

24           REPRESENTATIVE LOTT: Thank you for  
25   your time and thank you for this bill. And

1 my community thanks you.

2 CHAIRPERSON RALSTON: Representative  
3 Lott, you are not questioning the veracity  
4 of the new media now, are you?

5 The Chair recognizes Representative  
6 Bonner to your right for a question.

7 REPRESENTATIVE BONNER: Thank you,  
8 Mr. Speaker.

9 Does the gentleman yield?

10 CHAIRMAN SETZLER: Yes, sir.

11 REPRESENTATIVE BONNER: Is it not  
12 true that the end result of an abortion  
13 procedure is the death of an innocent human  
14 being?

15 CHAIRMAN SETZLER: Unfortunately,  
16 that's the case. You know, we recognize in  
17 this bill -- I think you know that there's  
18 some very difficult circumstances that  
19 we're trying to balance here. But in one  
20 hundred percent of abortions, a living  
21 distinct human being with their own blood  
22 type, their own DNA, distinct from the  
23 mother is destroyed.

24 I will tell you that the reality of  
25 abortion, as we alluded to earlier, is so

1     grisly and so gruesome, we can't even show  
2     it on the board.

3             I mean, anything we do here, we ought  
4     to be able to talk about and display. I  
5     can't show it on the board in this House  
6     because it's so grisly and so otherwise  
7     unfathomable.

8             The answer is yes, every abortion  
9     represents the death of an innocent child.

10            REPRESENTATIVE BONNER: And is it  
11     further not true that this bill recognizes  
12     the personhood of the unborn child and  
13     affirms that the State of Georgia will  
14     protect the lives of our children  
15     regardless of geography?

16            CHAIRMAN SETZLER: It does.

17            REPRESENTATIVE BONNER: Thank you for  
18     the bill.

19            CHAIRPERSON RALSTON: The Chair  
20     recognizes Representative Newton to your  
21     right for a question.

22            REPRESENTATIVE NEWTON: Thank you,  
23     Mr. Speaker.

24            Will the gentleman yield?

25            CHAIRMAN SETZLER: Yes, sir.



1           REPRESENTATIVE NEWTON:   Isn't it true  
2   that there are nearly 30,000 abortions a  
3   year in Georgia?

4           CHAIRMAN SETZLER:   Ones we know  
5   about.   We recognize there are abortions  
6   happening in doctor's offices that go  
7   unreported in our state.   But of just the  
8   ones we know about in clinics, hospitals  
9   and ASC's, it's nearly 30,000.

10          REPRESENTATIVE NEWTON:   Will the  
11   gentleman further yield?

12          CHAIRMAN SETZLER:   Yes, sir.

13          REPRESENTATIVE NEWTON:   So isn't it  
14   also true as a medical doctor that I  
15   understand that in 15,000 of those a year,  
16   over 40 times a day, when the challenging  
17   decision about abortion is being  
18   considered, that there is two women  
19   involved.

20          There's the woman who is pregnant  
21   maybe with an unwanted pregnancy.   But  
22   there's also a daughter involved.   Isn't  
23   that true?

24          CHAIRMAN SETZLER:   About 50 percent  
25   of the time, as I understand.

1           REPRESENTATIVE NEWTON: Will the  
2 gentleman further yield?

3           CHAIRMAN SETZLER: Yes, sir.

4           REPRESENTATIVE NEWTON: So isn't it  
5 true that while this bill will not -- if 40  
6 adoptions on young women are being done a  
7 day on young daughters, that this bill  
8 won't ban all of them. It does allow  
9 exceptions that Representative Lott  
10 mentioned. It does allow other exceptions  
11 up to six to seven weeks.

12           But isn't it true that this bill at  
13 the point that that young woman has a  
14 heartbeat in the womb, along with the  
15 mother who also has a heartbeat, that this  
16 bill will carefully balance the value of  
17 the life of that unborn woman along with  
18 the life of the mother and try to do the  
19 best we can through both adoption as was  
20 mentioned and other situations?

21           CHAIRMAN SETZLER: I think the  
22 gentleman knows of what you speak as a  
23 medical doctor. This bill does exactly  
24 that.

25           REPRESENTATIVE NEWTON: Thank you,

1 sir.

2 CHAIRPERSON RALSTON: You have no  
3 further questions.

4 CHAIRMAN SETZLER: Mr. Speaker, I  
5 appreciate your time. Appreciate the  
6 serious consideration of this body. It's  
7 been a serious discussion both in the House  
8 and the Senate.

9 And, again, for the reasons we've  
10 discussed before, I would urge your  
11 favorable support for House Bill 481.

12 CHAIRPERSON RALSTON: On the  
13 gentleman's motion that the House agree to  
14 the Senate Substitute to House Bill 481,  
15 all those in favor will vote aye. Those  
16 opposed will vote no. And the Clerk will  
17 unlock the machines.

18 (Brief pause)

19 (Upon resuming)

20 CHAIRPERSON RALSTON: Have all  
21 members voted?

22 Have all members voted?

23 Have all members now voted?

24 If so, the Clerk will lock the  
25 machines.

1           On the gentleman's motion, the ayes  
2   are 92. The nays are 78.

3           This House has agreed to the Senate  
4   Substitute of House Bill 481.

5           For what purpose does the Minority  
6   Leader of the House rise?

7           MINORITY LEADER: To make a motion.

8           Pursuant to Rule 143, I would move  
9   reconsideration over the House's action on  
10   House Bill 481.

11          CHAIRPERSON RALSTON: The gentleman  
12   has that right and the time to do that is  
13   now.

14          All those in favor of reconsidering  
15   the House's action in giving a  
16   constitutional majority to House Bill 481  
17   will vote aye. Those opposed will vote no  
18   and the Clerk will unlock the machines.

19                   (Brief pause)

20                   (Upon resuming)

21          CHAIRPERSON RALSTON: Have all  
22   members voted?

23           Have all members voted?

24           If so, the Clerk will lock the  
25   machines.

1           On the gentleman's motion, the ayes  
2   are 79. The nays are 91.

3           This House has chosen not to  
4   reconsider its action in giving a  
5   constitutional majority to House Bill 481  
6   to the Senate Substitute.

7           What purpose does Chairman Darlene  
8   Taylor rise?

9           CHAIRMAN TAYLOR: Parliamentary  
10   inquiry.

11          CHAIRPERSON RALSTON: State your  
12   inquiry.

13          CHAIRMAN TAYLOR: Mr. Speaker, isn't  
14   it true that this House has carried  
15   resolutions and bills concerning bullying?

16          CHAIRPERSON RALSTON: It has.

17          CHAIRMAN TAYLOR: And further, isn't  
18   that what the members of this House have  
19   been subjected to over this bill? And if  
20   it's not right for children or anyone else,  
21   it should apply to us as the members of  
22   this House.

23          That kind of action is not tolerable.  
24   Every person in this House has the right to  
25   vote how their heart is and I think it's

1 despicable the way some people have acted.

2 Is it not true?

3 CHAIRPERSON RALSTON: I know the lady  
4 feels that to be true.

5 The Chair will point out the members  
6 of the body here in the chamber have been  
7 very respectful this afternoon and I am  
8 appreciative of that.

9 The Chair recognizes the Chairman of  
10 the Rules Committee for an announcement.

11 RULES COMMITTEE CHAIRMAN: Rules  
12 Committee 341, right now for 15 minutes.

13 CHAIRPERSON RALSTON: The House will  
14 be in recess until 3:30.

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17 (Proceedings concluded)

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1 STATE OF GEORGIA  
2 COUNTY OF MUSCOGEE

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4 C E R T I F I C A T E

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6 The foregoing transcript of the proceedings was  
7 prepared by me from the electronic media provided to  
8 me by Elizabeth Gallo Court Reporting, and I certify  
9 that it is a true and correct transcript to the best  
10 of my ability of the proceedings.

11

12 This 6th day of June, 2019

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\_\_\_\_\_  
Judy K. McNeill  
Certified Court Reporter  
No. B-1611

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